

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Judy A. Lutes

4381 North Ironwood Drive
Apache Junction, Arizona 85220

SCDI File Number 2000-104179

**Default Order Suspending
Nonresident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Judy A. Lutes, a licensed nonresident insurance agent, both by certified mail, return receipt requested, and by regular mail.

The letter alleged, and I now find as fact, that Lutes failed to disclose a felony theft conviction on her nonresident insurance agent license application. The Department issued Lutes a nonresident insurance agent's license based solely on the representations made in that application. By signing the application, Lutes attested under oath to the truth of information she provided in the application.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides "When upon investigation the Director or his designee finds that an [insurance] agent has obtained a license by fraud or misrepresentation, he may suspend immediately the license." That statute further directs, "The Director or his designee, in an order suspending a license, shall specify the period during which the suspension is to be in effect. The period may not exceed two years."

In accordance with my findings of fact, I now conclude, as a matter of law, Lutes obtained her current resident insurance agent's license by misrepresentation. Accordingly, I also conclude that her license should be suspended immediately until a final decision from a revocation hearing on this matter has been issued or for a period of two years, whichever occurs first.

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." Further, this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10 *et seq.* (1991 and Supp. 2000).

It is, therefore, ordered that the license of Judy A. Lutes to do business as a nonresident insurance agent within the State of South Carolina be, and is hereby, suspended until a final decision from a revocation hearing on this matter has been issued or for a period of two years, whichever occurs first.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which Lutes is currently licensed, through the State of South Carolina Department of Insurance, as an insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

22 February 2001, at
Columbia, South Carolina